IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE GOPALAKRISHNA TAMADA

Writ Petition Nos.29746, 29748, 29894, 29898 & 31547 of 1997

Dated: 13-02-2007

W.P.No.29746 of 1997:
Between:

M. Ramanjaneya Reddy, s/o late Rami Reddy,
aged about 40 years,
r/o Kakarla, Marripudi Mandal,
Prakasam District.

... Petitioner

and

1. The Joint Collector-cum-Settlement Officer,
   Ongole, Prakasam District and 2 others.

... Respondents

ORDER:

As the point involved in these writ petitions is the same, they are disposed of by this common order.

2. These writ petitions are filed seeking *mandamus* declaring the proceedings of the first respondent in R.Dis.No.1753/97/D2,

R.Dis.No.1754/97/D2, R.Dis.No.1752/97/D2, R.Dis.No.1751/97/D2 and R.P.No.12/91 VZM/B2, dated 30-07-1997, 03-07-1997, 26-03-1997,
26-03-1997 and 08-06-1997 respectively, as illegal and arbitrary.

3. Facts, in brief, are: Based on separate representations submitted by the petitioner in all the writ petitions, for grant of pattas, the Additional Assistant Settlement Officer, Nellore conducted enquiry and found that the petitioner in all the petitions have been cultivating certain lands in R.S.No.184, situated at Kakarla village, Marripudi Mandal, Prakasam District, and pursuant thereto pattas were granted in favour of them,
as early as in the year 1967. It is stated that though the Director of Settlements, Andhra Pradesh, Hyderabad has taken up *suo motu* revisions under Section 5(2) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short,
'the Act'), on the ground that the record of enquiry of the Additional Assistant Settlement Officer, Nellore suffered with irregularities at every stage, dropped the said proceedings, by order dated 26-03-1997. Against the said orders, the Collector Prakasam District filed revisions before the Commissioner of Survey, Settlement and Land Records, Andhra Pradesh, Hyderabad and the Commissioner after hearing the case set aside the orders of the Additional Assistant Settlement Officer, Nellore as well as the Director of Settlements, Andhra Pradesh, Hyderabad and remanded the matters to the Joint Collector-cum-Settlement Officer, Ongole for enquiry and pass orders. The Joint Collector-cum-Settlement Officer, Ongole, vide impugned proceedings rejected the request of the petitioners for grant of ryotwari patta under Section 11(a) of the Act in respect of S.No.184 of Kakarla

village. Assailing the said orders, these writ petitions are filed.

4. Heard Sri V. R. Avula, learned counsel for petitioner in W.P.Nos.29746, 29748, 29894 and 29898 of 1997, Sri G. Raja Gopal, learned counsel for petitioner in W.P.No.31547 of 1997 and learned Government Pleader for Revenue.

5. The contention of the learned counsel for the respective petitioners in approaching this Court is that the *suo motu* enquiries initiated by the Director of Settlements under Section 5 of the Act are wholly illegal and without jurisdiction. According to the learned counsel for petitioners, the Settlement Officer after holding an enquiry as provided under the provisions of the Act has granted ryotwari pattas in favour of the petitioners' long back and the petitioners are in peaceful possession of their respective lands continuously without any interruption. Be that as it may, according to learned counsel for the petitioners, the Director of Settlements who is the revisional authority has taken up *suo motu* revisions against the said orders passed by the Settlement Officer. It is the contention of the learned counsel for the petitioners that though the Director of Settlements can initiate *suo motu* enquiry and rehear the said matters the said action in the instant case is after long lapse of time and hence, the said *suo motu* revisions are hit by the doctrine of laches.

In this context, learned counsel has drawn my attention to a judgment of this Court in **A. KODANDA RAO v. GOVT. OF A.P.**[1].

6. Having heard the learned counsel at length, this Court is of the view that no doubt, the Director of Settlements is having *suo motu* revisional jurisdiction, but it cannot be said that the said jurisdiction can be exercised at any time at his wit and pleasure. Simply because

there is no limitation and the Director of Settlements is conferred with the *suo motu* revisional jurisdiction, it cannot be inferred or said that he can do so, even after a long lapse of time. In fact, in the judgment cited by the learned Counsel,

it is observed that the exercise of revisional jurisdiction *suo motu* must be exercised to advance the cause of justice and to upset settled rights,

more so in cases where an earlier attempt was made to question the order granting patta by way of revision and which was rejected by the Director of Settlements himself. It cannot be deemed to be exercise of the revisional jurisdiction within a reasonable time, if the same is sought to be invoked three years after the dismissal of the earlier revision. When the said judgment is looked at, the facts are much worse as the Settlement Officer after holding enquiry granted pattas in the year 1967 in case of the petitioners in W.P.Nos.29746, 29748, 29894 and 29898 of 1997, and in the year 1986 in case of the petitioner in W.P.No.31547 of 1997, whereas the *suo motu* revisions were taken up in the year 1982 i.e. after a lapse of about 16 years in case of the petitioners in W.P.Nos.29746, 29748, 29894 and 29898 of 1997, and in the year 1991 in case of the petitioner in W.P.No.31547 of 1997. Hence, this Court has no hesitation to come to the conclusion that the very initiation of *suo motu* powers is hit by the doctrine of laches.

7. Accordingly, the writ petitions are allowed declaring the proceedings impugned in these writ petitions as illegal and arbitrary.

JUSTICE GOPALAKRISHNA TAMADA

Dt.13-02-2007
GLV

[1] 1981 (2) APLJ (H.C) 158